

United States Patent and Trademark Office

Examiner: Brown, V.

Art Unit: 2635

In re:

Appellant: KIRCHER, J.

Serial No.: 09/806,356

Filed: March 29, 2001

AMENDED APPEAL BRIEF

November 15, 2005

Hon. Commissioner of
Patents and Trademarks
Washington, D.C. 20231

In response to the Notice dated October 31, 2006, the Appellant hereby
respectfully submits his Amended Appeal Brief:

(1) Real Party in Interest

The real party in interest in the present application is the assignee of the application, Robert Bosch, GmbH, Stuttgart, Germany.

(2) Related Appeals and Interferences

There are currently no related appeals and interferences which will directly affect or be directly affected by or which have a bearing on the decision in the present appeal.

(3) Status of the Claims

Claims 18-21, 23, 29-31, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgstahl, et al, U.S. patent no. 5,909,183 in view of Glehr, U.S. patent no. 5,723,911.

Claims 22, 24, 25 and 32 are rejected under 35 U.S.C. 103(a) over the patent to Borgstahl in view of Glehr and further in view of Joao, U.S. patent 5,917,405.

(4) Status of Amendments

In response to the Office Action of February 23, 2006, a Request for Reinstatement of Appeal is filed; however, no amendments to the claims were made.

(5) Summary of Claimed Subject Matter

Independent claim 18 defines a method for constructing a data connection between an integrated household control system (1) and a data terminal (2) located outside the base of the integrated household control system, comprising the following steps: coupling the data terminal with a mobile positioning determining device (14), wherein the data terminal (11) is mobile; and controlling the data terminal (11) by the position determining device (14) in such a way that if the distance from the household control base drops to a predetermined limit value, or if one reaches a predetermined region surrounding the household control base, the construction of the data connection with the integrated household control system (1) is automatically initiated via a mobile interface (18) of the data terminal. (Please see specification, page 7, line 15 through page 8, line 8 and Fig. 2).

Independent claim 29 defines a data terminal for remote control of an integrated household control system, including a mobile position determining device (14) coupled with the data terminal (11), wherein the data terminal is mobile, wherein said position determining device has an evaluator, wherein if the distance from the household control base drops to a predetermined limit value, or if a predetermined region surrounding the household control base is reached, the evaluator automatically outputs a control signal, and an initiating device (13), which upon reception of the control signal initiates the construction of a data connection with the integrated household control system (1). (Please see specification page 4, line 21 through page 6, line 2).

Independent claim 35 defines a method for constructing a data connection between an integrated household control system (1) and a data terminal (2) located outside the base of the integrated household control system, which includes the following steps: coupling the data terminal with a mobile positioning determining device (14), wherein the data terminal (11) is mobile; and controlling the data terminal (11) by the position determining device (14) in such a way that if the distance from the household control base drops to a predetermined limit value, or if one reaches a predetermined region surrounding the household control base, automatically initiating the construction of the data connection with the integrated household control system (1) via a mobile interface (18) of the data terminal. If the distance between the mobile data terminal and the household control base drops to the predetermined limit value, or if a

predetermined region surrounding the household control base is reached, the home page of the integrated household control system is automatically started by a browser that belongs to the data terminal. (Please see specification, page 6, lines 16-21).

Independent claim 36 relates to a method for constructing a data connection between an integrated household control system (1) and a data terminal (2) located outside the base of the integrated household control system, including following steps: coupling the data terminal with a mobile positioning determining device (14), wherein the data terminal (11) is mobile; controlling the mobile data terminal (11) by the position determining device (14) in such a way that if a distance from the household control base drops to a predetermined limit value, or if one reaches a predetermined region surrounding the household control base, automatically initiating the construction of the data connection with the integrated household control system (1) via a mobile interface (18) of the data terminal; and automatically displaying a home page of the household control system and automatically triggering at least one appliance control command when a distance between the mobile data terminal and the household control system falls below a predetermined limit. (Please see specification, page 6, lines 12-28).

Independent claim 37 recites a data terminal for remote control of an integrated household control system, including a mobile position determining

device (14) coupled with the data terminal (11), wherein the data terminal is mobile, wherein said position determining device has an evaluator, wherein if a distance from the household control base drops to a predetermined limit value, or if a predetermined region surrounding the household control base is reached, the evaluator automatically outputs a control signal; and an initiating device (13), which upon reception of the control signal initiates the construction of a data connection with the integrated household control system (1), wherein a home page of the household control system is displayed automatically and at least one appliance control commands is triggered automatically when a distance between the mobile data terminal and the household control system falls below a predetermined limit. (Please see specification, page 7, line 15 through page 8, line 5).

(6) Grounds of rejection to be reviewed on appeal

1) Whether claims 18-21, 23, 29-31, and 35-37 are unpatentable over U.S. Patent No. 5,909,183 to Borgstahl et al in view of U.S. patent 5,723,911 to Glehr.

2) Whether claims 22, 24, 25, and 32 are unpatentable over Borgstahl in view of U.S. Patent No. 5,723,911 to Glehr and U.S. Patent No. 5,917,405 to Joao; and

3) Whether claims 26-27 and 33-34 are unpatentable over Borgstahl et al in view of U.S. Patent No. 5,723,911 to Glehr and U.S. patent 6,239,700 to Hoffman.

(7) Argument

1) Claims 18-21, 23, 29-31, and 35-37 are not obvious over Borgstahl et al in view of Glehr

In his rejection of the claims the Examiner applied the patent to Borgstahl. This reference however fails to disclose an if-then condition with respect to the initiating of the data connection, instead the patent to Borgstahl discloses that each time the devices detect each other, a short negotiation takes place and each device decides whether it wants to network with the other device without having an if-then condition. This is disclosed in column 14, lines 10-33.

The patent to Borgstahl does not disclose that the limit value or the region is predetermined, because the threshold is random depending on the environment. Operating the wireless communication links at a low power remains the threshold random, because also at lower power the threshold depends on the environment and is not predetermined.

In the arguments related to his rejection of the claims, the Examiner admits that claims 18 and 29 are new. However, the Examiner believes that claims 18 and 29 are obvious because the patent to Borgstahl is not explicit in teaching a position determining device and the patent to Glehr shall teach a position determining device. However, the patent to Glehr does not disclose a position determining device. Instead, the patent to Glehr discloses a distance detecting device based on the transmit time being measured. This is disclosed in column 4, lines 47-54.

Besides this, it would not be obvious to one of ordinary skill in the art to have a distance detecting device coupled to the data terminal and controlling the data terminal by the position determining device in such a way, that the construction of the data connection is initiated. According to the patent to Glehr the door handle and not the distance detecting device acts as a tripping means.

In view of the above presented remarks it is believed that claims 18 and 29 can not be considered as obvious from the combination of the teachings of the patent to Borgstahl and Glehr as applied by the Examiner in the sense of 35 U.S.C 103(a).

Claims 18 and 29 should be considered as patentably distinguishing over the art and should be allowed.

The same arguments are applicable with respect to claims 35, 36 and 37 which are additional independent claims, and these claims should be allowed as well.

Claims 20, 21, 23, 30, 31 are dependent claims, they share the features of independent claims and then should be allowed.

2) Claims 22, 24, 25, and 32 are patentable over Borgstahl in view of U.S. Patents to Glehr and to Joao

These claims are dependent claims, they share the inventive features of the independent claims and they also should be allowed.

3) Claims 26-27 and 33-34 are patentable over Borgstahl et al in view of U.S. Patent No. 5,723,911 to Glehr and U.S. patent 6,239,700 to Hoffman.

These claims are dependent claims, they share the inventive features of the independent claims and they also should be allowed.

Conclusion

According to the standards articulated above, therefore, the final rejections of the claims must be reversed. The Appellant respectfully requests that the honorable Board of Appeals reverse the final rejections of claims for the reasons set forth above, and grant an allowance of this case.

Respectfully submitted,

/ Michael J. Striker /

Michael J. Striker
Attorney for Appellant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700

(8) Claims Appendix

Claims on appeal:

Claims 1 - 17 (canceled)

18. A method for constructing a data connection between an integrated household control system (1) and a data terminal (2) located outside the base of the integrated household control system, comprising the following steps:

- coupling the data terminal with a mobile positioning determining device (14), wherein the data terminal (11) is mobile, and
- controlling the data terminal (11) by the position determining device (14) in such a way that if the distance from the household control base drops to a predetermined limit value, or if one reaches a predetermined region surrounding the household control base, the construction of the data connection with the integrated household control system (1) is automatically initiated via a mobile interface (18) of the data terminal.

19. The method of claim 18, wherein the data connection between the data terminal (11) and the integrated household control system (1) is constructed via a mobile radio network.

20. The method of claim 18, wherein the data connection between the data terminal (11) and the integrated household control system (1) is constructed via the internet.

21. The method of claim 18, wherein for data traffic which trips an alarm in the data terminal (11), a data connection with the data terminal (11) is constructed beginning at the integrated household control system (1), unless a data connection already exists in an opposite direction.

22. The method of claim 18, wherein the mobile data terminal (11) is disposed in a motor vehicle (10).

23. The method of claim 18, wherein a computer serves as the data terminal.

24. The method of claim 22, wherein the computer also serves to control motor vehicle functions.

25. The method of claim 18, wherein an internet telephone serves as the data terminal (11).

26. The method of claim 18, wherein at least one component of a mobile navigation device (15) serves as the position determining device (14).

27. The method of claim 18, wherein at least one component of a mobile station of a mobile radio system serves as the position determining device (14).

28. (canceled)

29. A data terminal for remote control of an integrated household control system, comprising:

- a mobile position determining device (14) coupled with the data terminal (11), wherein the data terminal is mobile, wherein said position determining device has an evaluator, wherein if the distance from the household control base drops to a predetermined limit value, or if a predetermined region surrounding the household control base is reached, the evaluator automatically outputs a control signal, and

- an initiating device (13), which upon reception of the control signal initiates the construction of a data connection with the integrated household control system (1).

30. The data terminal of claim 29, wherein as its initiation device (13), it has a browser (12), which can be started by the control signal and is provided for the automatic construction of a data connection with an integrated household control system (1) via the internet.

31. The data terminal of claim 29, wherein as its initiation device (13), it has a mobile station in a mobile radio network.

32. The data terminal of claim 29, wherein as its initiation device (13), it has a mobile internet telephone.

33. The data terminal of claim 29, wherein the position determining device (14) has at least one component of a mobile navigation device (15).

34. The data terminal of claim 29, wherein the position determining device (14) has at least one component of a mobile station of a mobile radio system.

35. A method for constructing a data connection between an integrated household control system (1) and a data terminal (2) located outside the base of the integrated household control system, comprising the following steps:

- coupling the data terminal with a mobile positioning determining device (14), wherein the data terminal (11) is mobile, and

- controlling the data terminal (11) by the position determining device (14) in such a way that if the distance from the household control base drops to a predetermined limit value, or if one reaches a predetermined region surrounding

the household control base, automatically initiating the construction of the data connection with the integrated household control system (1) via a mobile interface (18) of the data terminal,

wherein if the distance between the mobile data terminal and the household control base drops to the predetermined limit value, or if a predetermined region surrounding the household control base is reached, the home page of the integrated household control system is automatically started by a browser that belongs to the data terminal.

36. A method for constructing a data connection between an integrated household control system (1) and a data terminal (2) located outside the base of the integrated household control system, comprising the following steps:

coupling the data terminal with a mobile positioning determining device (14), wherein the data terminal (11) is mobile, and

controlling the mobile data terminal (11) by the position determining device (14) in such a way that if a distance from the household control base drops to a predetermined limit value, or if one reaches a predetermined region surrounding the household control base, automatically initiating the construction of the data connection with the integrated household control system (1) via a mobile interface (18) of the data terminal,

automatically displaying a home page of the household control system and automatically triggering at least one appliance control command when a

distance between the mobile data terminal and the household control system falls below a predetermined limit.

37. A data terminal for remote control of an integrated household control system, comprising:

a mobile position determining device (14) coupled with the data terminal (11), wherein the data terminal is mobile, wherein said position determining device has an evaluator, wherein if a distance from the household control base drops to a predetermined limit value, or if a predetermined region surrounding the household control base is reached, the evaluator automatically outputs a control signal;

an initiating device (13), which upon reception of the control signal initiates the construction of a data connection with the integrated household control system (1), wherein a home page of the household control system is displayed automatically and at least one appliance control commands is triggered automatically when a distance between the mobile data terminal and the household control system falls below a predetermined limit.

RELATED PROCEEDINGS APPENDIX

There are no decisions rendered by accord or the board in any proceedings pursuant to paragraph "Related Appeals and Interferences" of the Brief on Appeal".

EVIDENCE APPENDIX

None